

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SEAN JOHNSTON,)	
)	
Plaintiff,)	4:06cv3040
)	
vs.)	ORDER to SHOW CAUSE
)	
NEBRASKA DEPARTMENT OF)	
CORRECTIONAL SERVICES, et al.,)	
)	
)	
Defendants.)	

This matter is before the court sua sponte. It appears to the court that this case may be abandoned or in default, as the parties have not filed the Rule 26(f) joint planning report which was required to be filed with the court by December 14, 2006. Neither attorney has provided the court with an explanation for the parties' failure to file a timely report. Therefore, by January 31, 2007, each party shall file a Response to Order to Show Cause explaining why the report has not been filed. In the absence of a timely Response by the defendant, the court will entertain a motion for sanctions by the plaintiff. In the absence of a timely Response by the plaintiff or if no one responds by January 31, 2007, this case will be subject, without further notice, to dismissal without prejudice by Chief Judge Joseph F. Bataillon, for lack of prosecution.¹

SO ORDERED.

DATED this 17th day of January, 2007.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."